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## CHAPTER 15

### STATEWIDE WATER QUALITY MANAGEMENT PLANNING

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### **7:15-1.1 Scope**

(a) This chapter prescribes water quality management policies and procedures established pursuant to the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-1 et seq. Specifically, this chapter prescribes policies and procedures concerning the following subjects:

1. The content of the continuing planning process ("CPP") and its relationship to this chapter and the Statewide Water Quality Management ("WQM") Plan;
2. The relationship between the Statewide, areawide, and county water quality management (WQM) plans and this chapter;
3. The role of the Department and designated planning agencies in WQM planning activities;
4. The review of projects and activities for consistency with WQM plans and this chapter, including the issuing of consistency determinations for specified kinds of projects;
5. The preparation, adoption, amendment, revision, and certification of WQM plans;
6. The adoption of other Department rules, wastewater facilities priority systems and project priority lists, sludge management plans, effluent limitations, wastewater management plans, 201 Facilities Plans, and other documents in WQM Plans;
7. Coordination of WQM planning with Coastal Zone, Hackensack Meadowlands, and Pinelands programs;
8. Mechanisms to resolve conflicts among State agencies, designated planning agencies, applicants, and other parties affected by this chapter;
9. Selected aspects of wastewater management, including treatment works deemed to be consistent with WQM plans and this chapter; WQM Plan amendment requirements for treatment works not identified in WQM plans; construction of individual subsurface sewage disposal systems and other small domestic treatment works in future sewer service areas; and eligibility for financial assistance.

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10. The identification of WQM plan amendments that require the adoption or amendment of wastewater management plans in areawide WQM plans;
11. The assignment of the duty to prepare and update wastewater management plans to certain sewerage agencies and municipalities, and the establishment of alternative assignments of such wastewater management plan responsibility; and
12. The required contents of wastewater management plans, and schedules and procedures for their submission, adoption, and updating.

### **7:15-1.2 Construction**

This chapter shall be liberally construed to permit the Department to discharge its statutory functions, and to effectuate the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., N.J.S.A. 13:1D-9, the Statewide WQM Plan, and the areawide WQM plans.

### **7:15-1.3 Purpose**

(a) The purpose of this chapter is to:

1. Implement the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 13:1D-9;
2. Establish policies, procedures and standards which, wherever attainable, help to restore and maintain the chemical, physical and biological integrity of the waters of the State, including groundwaters, and the public trust therein, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water;
3. Prevent, control, and abate water pollution;
4. Conserve the natural resources of the State, promote environmental protection, and prevent the pollution of the environment of the State;
5. Encourage, direct, supervise and aid areawide WQM planning;
6. Integrate and unify the Statewide and areawide WQM planning processes, and provide for continuing WQM planning;
7. Ensure that projects and activities affecting water quality are developed and conducted in a manner consistent with this chapter and adopted WQM Plans;
8. Coordinate and integrate WQM plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities, programs and policies;

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9. Develop and implement water quality programs in concert with other social and economic objectives;
10. Provide opportunities for public participation in the WQM planning process;
11. Prepare, administer, and supervise Statewide, regional and local plans and programs concerning conservation and environmental protection, including plans and programs concerning sewerage facilities;
12. Encourage, direct and aid in coordinating State, regional and local plans and programs concerning conservation and environmental protection, including plans and programs concerning sewerage facilities, in accordance with a unified Statewide plan formulated, approved and supervised by the Department;
13. Supervise sanitary engineering facilities within the State; and
14. Encourage the development of comprehensive regional sewerage facilities that serve the needs of the regional community and that conform to the adopted areawide WQM plan applicable to that region.

#### **7:15-1.4 Severability**

If any section, subsection, provision, clause, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby and shall remain in full force and effect.

#### **7:15-1.5 Definitions**

The following words and terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

“Actual flow” means the volume of sewage and other wastes that a DTW receives; actual flow shall be determined by the arithmetic average of the metered daily volumes of waste received at a DTW for the preceding period of three consecutive calendar months. Where peak flows have been determined by the Department to be seasonal in nature, the seasonal peak flow period shall be used in determining actual flow.

“Adoption” means the adoption by the Department of Statewide WQM Plans or amendments or revisions thereof and the adoption by the Governor or his designee of areawide plans or amendments or revisions thereof pursuant to this chapter.

“Amendments” means changes to the Statewide and areawide WQM plans that may be proposed and adopted under N.J.A.C. 7:15-3.4.

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“Areawide plan” or “areawide WQM plan” means the areawide WQM plan authorized in Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq.), and Sections 208 and 303 of the Clean Water Act, 33 U.S.C. § 1251 et seq.

“Authority” means a sewerage authority as defined in N.J.S.A. 40:14A-3(5), or a municipal authority as defined in N.J.S.A. 40:14B-3(5).

“Best Management Practices (BMPs)” means the methods, measures, or practices to prevent or reduce the amount of pollution from point or non-point sources, including structural and nonstructural controls, and operation and maintenance procedures.

“BRC-regulated sewer or water utilities” means sewer utilities or water utilities regulated by the Board of Regulatory Commissioners under N.J.S.A. 48:1-1 et seq. and N.J.A.C. 14:9.

“Commissioner” means the Commissioner of the New Jersey Department of Environmental Protection or his or her designee.

“Consistency determination” means the written statement by the Department under N.J.A.C. 7:15-3.2, as to whether a project or activity listed in N.J.A.C. 7:15-3.1(b) is consistent with, inconsistent with, or not addressed by, adopted WQM Plans and this chapter.

“Continuing planning process” or “CPP” means the Statewide planning process conducted by the Department of Environmental Protection as authorized in Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

“County utilities authority” means any public body created by a county governing body pursuant to N.J.S.A. 40:14B-4a, or any sewerage authority or county sewer authority reorganized as a county utilities authority pursuant to N.J.S.A. 40:14B-6b.

“County water quality management plan” or “County WQM plan” means a county plan prepared by a county planning board pursuant to Section 5 of the Water Quality Planning Act (N.J.S.A. 58:11A-5).

“CP1 application” means the formal application for a permit from the Department.

“Department” means the New Jersey Department of Environmental Protection.

“Designated area” means an area designated by the Governor as an areawide WQM planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

“Designated management agency” means an agency designated in an adopted WQM plan to implement one or more of the policies, objectives, and recommendations of that plan.

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“Designated planning agency” means an agency designated by the Governor to conduct areawide WQM planning pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, landfill, excavation, roads, sewers and other infrastructure and any use or change in the use of any building or other structure, or land or extension of use of land. Phased development shall be considered as a single project.

“District” means either or both of the following, depending on the context: the district of a sewerage authority as defined in N.J.S.A. 40:14A-3(6), or the district of a municipal authority as defined in N.J.S.A. 40:14B-3(6). For purposes of N.J.A.C. 7:15-5.14(a)1, 5.16(a)2i and 5.18(i), “district” shall also mean the Passaic Valley Sewerage District.

“Domestic treatment works” or “DTW” means a publicly or privately owned treatment works and shall include a treatment works processing domestic wastes together with any ground water, surface water, storm water or industrial process wastewater that may be present.

“Drawings and/or plans” means those drawings, site plans and/or blueprints prepared by a professional engineer or professional planner, as appropriate, which portray the development specifications of the site project or activity.

“DTW” means “domestic treatment works”.

“Emergency activities” means activities that are necessary to be performed in response to sudden or unexpected occurrences or conditions, in order to prevent loss of life, personal injury, severe property damage, or severe environmental damage.

“Environmentally sensitive areas” means those areas identified in a Statewide or areawide WQM plan as land areas possessing characteristics or features which are important to the maintenance or improvement of water quality, or to the conservation of the natural resources of the State.

“Federal Act” means the Federal Water Pollution Control Act, commonly known as the Clean Water Act, 33 U.S.C. §§ 1251 et seq., including all subsequent supplements and amendments.

“Freshwater wetlands” means freshwater wetland as defined at N.J.S.A. 13:9B-3 and N.J.A.C. 7:7A-1.

“Governmental entity” means a Federal, state, county or municipal government or school district whose jurisdiction is partially or entirely within New Jersey.

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"Industrial/commercial" means any project or activity engaged in manufacturing, production or sales of services or products.

"Industrial treatment works" means an industrial treatment works as defined at N.J.A.C. 7:14A.

"Interim connection", "interim construction" or "interim expansion" means interim connection, construction or expansion of wastewater facilities as described in N.J.A.C. 7:15-4.2(a)4.

"Joint meeting" means a joint meeting as defined in N.J.S.A. 40:63-69.

"Lake, pond or reservoir" means any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control, wastewater management and storm water management basins. Lakes, ponds and reservoirs are characterized by a long-term or permanent downgradient restriction of surface water flow from the impoundment and areas of quiescent water within the body of the impoundment. Lakes, ponds and reservoirs are frequently characterized by greater water depths within the impoundment than either the upgradient or downgradient surface water flow and by shallow water lateral edges containing emergent or submerged plant species. For regulatory purposes, the upgradient boundary of a lake, pond or reservoir shall be considered to be the point at which areas of greater depth and relatively quiescent water can be differentiated from the upgradient surface water input into the impoundment under average flow conditions.

"Load allocation" means the portion of a receiving water's total maximum daily load for a specific pollutant that is allocated to existing or future nonpoint sources of pollution.

"Multi-county joint meeting" means any joint meeting whose membership includes municipalities in two or more counties.

"Municipal authority" means a municipal authority as defined in the Municipal and County Utilities Authorities Law at N.J.S.A. 40:14B-3(5), and shall include a municipal utilities authority created by one or more municipalities and a county utilities authority created by a county.

"Municipal government" means a city, town, borough, village, township or other municipal government created by State law, which has an elected governing body, a chief executive, and municipal public officials including a municipal clerk, tax assessor, and tax collector.

"NJPDES" means the New Jersey Pollutant Discharge Elimination System established in N.J.A.C. 7:14A.

"NJPDES discharge permit" means a permit issued by the Department under N.J.A.C. 7:14A for a discharge to surface water or a discharge to ground water.

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“Non-designated area” means an area not designated by the Governor as an areawide WQM planning area pursuant to Section 4 of the Water Quality Planning Act (N.J.S.A. 58:11A-4).

“Non-point source” means a contributing factor to water pollution that cannot be traced to a specific discernible confined and discrete conveyance.

“ORP” means the Office of Regulatory Policy, or its successor, in the Department of Environmental Protection.

“Passaic Valley Sewerage Commissioners” means the body described by that name under N.J.S.A. 58:14-2.

“Passaic Valley Sewerage District” means the sewerage district now or hereafter described by that name under N.J.S.A. 58:14-1 et seq.

“Point source” means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“Process waste water” means process waste water as defined at N.J.A.C. 7:14A.

“Public advisory committee” or “PAC” means a representative committee of interests formed for the purpose of advising the Department on policy and other relevant issues in the development and implementation of a watershed management area plan or TMDL.

“Regional authority” means any sewerage authority created by the governing bodies of two or more municipalities pursuant to N.J.S.A. 40:14A-4(c), or any municipal authority created by the governing bodies of two or more municipalities pursuant to N.J.S.A. 40:14B-5.

“Regional wastewater management plan area” means a wastewater management plan area that includes land in two or more municipalities.

“Revisions” means changes to WQM plans under N.J.A.C. 7:15-3.5 that are necessary for one or more of the purposes set forth at N.J.A.C. 7:15-3.5(b).

“Sewerage agency” means the Passaic Valley Sewerage Commissioners, a sewerage authority, a municipal authority or a joint meeting.

“Sewerage authority” means a sewerage authority created pursuant to the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq.

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“Significant modification” means a significant alteration, expansion or other change that may reasonably be expected to affect the quantity of flow treated or the quality of the effluent discharged to the waters of the State or to a publicly owned treatment works.

“Site specific allocation” means a wasteload allocation for a specific pollutant to an existing or future point source based on site specific considerations rather than from a total maximum daily load.

“Site-specific pollution control plan” means a plan that details necessary structures or measures designed to control one or more specified pollutants or sources of pollution from a site.

“State” means the State of New Jersey.

“State Water Quality Inventory Report” means the biennial report prepared by the Department, pursuant to Section 305 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq., which inventories and assesses the quality of surface and ground waters of the State.

“Statewide Water Quality Management Plan” or “Statewide WQM Plan” (formerly known as the Statewide Water Quality Management Program Plan) means the plan that, together with this chapter, directs and coordinates water quality planning and implementation activities for the entire State, and contains the written provisions of the CPP pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7).

“Stormwater point source” means a point source from which stormwater is or may be discharged, but does not include a point source from which stormwater mixed with domestic wastewater, non-contact cooling water, or process wastewater other than stormwater is or may be discharged.

“Subwatershed” means a portion of an identified watershed containing all the lands from which water, sediments and dissolved materials drain to a particular receiving surface water body or to a particular point along a receiving surface water body.

“Surface water quality standards” means the rules at N.J.A.C. 7:9B which set forth, for the surface waters of the State, designated uses, use classifications and water quality criteria, and the Department's policies concerning these uses, classifications and criteria.

“TMDL project work plan” means a detailed plan for the development of a basic TMDL or a complex TMDL in full conformance with the requirements of N.J.A.C. 7:15-7.

“Total maximum daily load” or “TMDL” means a total maximum daily load formally established pursuant to Section 7 of the Water Quality Planning Act (N.J.S.A. 58:11A-7) and Section 303(d) of the Clean Water Act, 33 U.S.C. §§ 1251 et seq. A TMDL is the sum of individual wasteload allocations for point sources, load allocations for nonpoint sources of pollution, other sources such as tributaries or adjacent streams, and allocations to a reserve or margin of safety for an individual pollutant.



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“Treatment works” means treatment works as defined at N.J.A.C. 7:14A.

“Treatment works approval” means an approval issued pursuant to N.J.S.A. 58:10A-6b and N.J.A.C. 7:14A.

“201 Facilities Plans” means the plans for wastewater facilities prepared pursuant to Section 201 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“201 Facilities Planning agencies” means those agencies which are responsible for conducting 201 facilities planning, pursuant to Section 201 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“209 Basin Plans” means water resources plans adopted pursuant to Section 209 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq.

“Upgrade” means a modification of a domestic or industrial treatment works to improve the quality of effluent discharged to surface water or ground water.

“USEPA” means the United States Environmental Protection Agency.

“USGS quadrangle map” means any of the set of topographic maps published by the United States Geological Survey at 1:24,000 scale and known as “quadrangles” or “quads”.

“Wasteload allocation” means the portion of a total maximum daily load that is allocated to a point source.

“Wastewater management agency” means a governmental entity or sewerage agency designated in an areawide WQM Plan to plan, construct, or operate domestic treatment works.

“Wastewater management plan” or “WMP” means a written and graphic description of existing and future wastewater-related jurisdictions, wastewater service areas, and selected environmental features and treatment works.

“Wastewater management plan area” or “WMP area” means the geographic area for which a governmental unit or other person has "wastewater management plan responsibility" as defined in N.J.A.C. 7:15-5.3(b).

“Wastewater management planning agency” means a governmental unit or other person that has "wastewater management plan responsibility" as defined in N.J.A.C. 7:15-5.3(b).

“Water quality based effluent limitations” means water quality based effluent limitations established pursuant to the Department's Surface Water Quality Standards (N.J.A.C. 7:9-4), including, but not limited to, wasteload allocations.

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“Water quality limited segment” means any segment of a waterbody that does not or is not expected to meet surface water quality standards, identified in accordance with N.J.A.C. 7:15-6.2. Each WQLS shall be entirely contained within a watershed, and may be configured using the USEPA stream segments data base or the US Geological Survey 14-digit Hydrologic Unit Code mapping of New Jersey surface waterbodies (USGS Water Resources Investigation Report 95-4134).

“Water quality management plans” or “WQM plans” means the plans prepared pursuant to Sections 208 and 303 of the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., including the Statewide, areawide, and county WQM Plans.

“Watershed” means a geographic area containing all the lands from which water, sediments and dissolved materials drain to a particular receiving surface water body or to a particular point along a receiving surface water body.

“Watershed management activity” means activities or projects undertaken by a watershed management group to improve the condition or prevent further degradation of a watershed, and may include, but need not be limited to, public meetings to discuss and exchange information on watershed issues, the establishment and operation of a stakeholders advisory group or groups or watershed associations dedicated to preserving and protecting a watershed, the monitoring, water quality modeling or assessment of the condition of a watershed, the development of policy goals to reduce the amount of pollutants discharged into a watershed, the development of projects designed to enhance or restore a watershed, the development, in consultation with the department, of a watershed management strategy, or the reassessment of a watershed to determine whether the policy goals or the objectives of a watershed management area plan or watershed management strategy have been attained.

“Watershed Management Area” or “WMA” means a regional area established by the Department that is comprised of multiple watersheds and subwatersheds. WMA delineations are available from the Department and on the DWM web page.

“Watershed Management Area Plan” or “WMA plan” means the plan developed and adopted by the Department, in consultation with the PAC, to protect and improve New Jersey's water and water-related resources by identifying actions to maintain, restore and enhance existing water quality, water quantity and ecosystem health, wherever attainable, within a watershed management area.

“Watershed management group” means a group recognized by the Department pursuant to N.J.A.C. 7:15-9.3(b) as the entity representing various interests within one or more watersheds or subwatersheds located in a watershed management area and whose purpose is to improve the condition or prevent further degradation of a watershed or watersheds.

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“Watershed management strategy” means a plan developed by a WMG, in consultation with the PAC and the Department, to improve the condition of one or more watersheds or reassess a watershed to determine whether the policy goals or the objectives of the watershed management area plan or watershed management strategy have been attained.

“WMP” means wastewater management plan.

“Work programs and plans” means those documents that detail the specific work activities proposed as part of a water quality management program.

“WQM plan” means water quality management plan.